

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

FITZPATRICK CONTAINER COMPANY,

Debtor.

Lynn Feldman, as Chapter 7 Trustee
for the estate of the Fitzpatrick
Container Company,

Plaintiff,

v.

John B. Lynch, Jr.

Defendant.

Chapter 7

Case No. 20-14139 (PMM)

Adversary No. 23-00070 (PMM)

JOINT RULE 26(f) REPORT

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the Parties (defined below) to this case, by and through their respective counsel, jointly submit this Rule 26(f) Report.

1. Plaintiff, Lynn E. Feldman, as Chapter 7 Trustee of the Estate of Fitzpatrick Container Company and Defendant, John B. Lynch, Jr. (collectively, the “Parties”) have agreed to proceed with mediation of this matter and have selected Jack M. Seitz, Esquire, from the Authorized Mediation Panel.

2. The Parties have served written discovery and responses are due on or about December 18, 2023, which will be extended until after the mediation.

3. The Parties respectfully request that the deadlines in discovery and pretrial schedule set forth in the Pretrial Scheduling Order entered November 7, 2023 be extended by one hundred

twenty (120) days. The Parties agree that their efforts should be on resolving this matter through mediation, and that it is in the best interest of the Parties to engage in formal discovery after the mediation.

4. The Parties propose the following discovery and trial schedule:
 - a. All discovery shall be completed on or before May 4, 2024.
 - b. All expert witnesses shall be identified, and a copy of each expert's report shall be provided to every other party, in accordance with Fed. R. Civ. P. 26(a)(2) on or before May 10, 2024.
 - c. All discovery disclosures pursuant to Fed. R. Civ. P. 26(a)(3) shall be served on opposing Parties and filed with the bankruptcy court on or before May 10, 2024.
 - d. Any objections to Rule 26(a)(3) disclosures shall be served on opposing counsel and filed with the bankruptcy court on or before May 17, 2024.
 - e. All motions to amend the pleadings, or for summary judgment,¹ shall be filed on or before May 17, 2024. If such a motion or motions is/are filed, the Parties are not relieved of their obligation to comply with the terms of the balance of this Pretrial Order.
 - f. A Joint Pretrial Statement shall be filed in accordance with Local Bankruptcy Rule 7016-1 on or before June 1, 2024.
 - g. A mandatory final pretrial/settlement conference shall be held on Wednesday, June 7, 2024 at 2:00 p.m. in the United States Bankruptcy

¹ A motion for summary judgment shall include a separate statement of those material facts that the movant contends are not in dispute with supporting citations to the record. Failure to comply with this requirement shall be grounds for summary denial of the motion.

Court, Gateway Building, Fourth Floor Courtroom, 201 Penn St., Reading, Pennsylvania, 19601.

6. The Parties believe that the extension of the deadlines in discovery and pretrial schedule is warranted to enable them to engage in mediation.

Respectfully submitted,

BIELLI & KLAUDER, LLC

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Lynn E. Feldman, as Chapter 7 Trustee of the
Estate of Fitzpatrick Container Company*

Dated: December 5, 2023

Respectfully submitted,

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Dated: December 5, 2023